

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Matthew Farr

Docket No. 5:09-CR-158-4F

Petition for Action on Probation

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Matthew Farr, who, upon an earlier plea of guilty to 18 U.S.C. §§ 3 and 2113(a), Accessory After the Fact to Bank Robbery, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on January 21, 2010, to a 60 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
4. The defendant shall participate in such vocational training program as may be directed by the probation office.

On August 16, 2010, a Violation Report was submitted to the court advising of criminal conduct (Driving While License Revoked) and failure to notify the probation officer within 72 hours of contact with law enforcement. The defendant was verbally reprimanded, counseled about his actions, instructed not to drive until properly licensed, and the court agreed to continue supervision. On September 10, 2010, the defendant's term of probation was reduced to 40 months due to the government's motion for reduction pursuant to Rule 35. On November 9, 2010, a Violation Report was submitted advising that Farr was charged in Wilson County, North Carolina, with Simple Affray. Farr denied guilt, and the probation officer recommended to continue supervision until adjudication in state court. He was found not guilty on July 26, 2011.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On January 31, 2012, the defendant was charged in Nash County, North Carolina, with Driving While License Revoked and Speeding 52/35 after being stopped by Officer R.L. Thompson of the Sharpsburg Police Department. Additionally, Farr failed to notify the probation officer within 72 hours of these charges as required, but he advised the probation officer of the aforementioned charges on February 6, 2012. As a sanction for this conduct, we are respectfully recommending that Farr be placed on home detention for a period of 30 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: 252-237-0788
Executed On: February 8, 2012

ORDER OF COURT

Considered and ordered this 9th day of February, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge